

Bill No. 10-01
Concerning: Moderately Priced
Dwelling Units - Requirements
Revised: 2-7-01 Draft No. 2
Introduced: February 27, 2001
Enacted: April 24, 2001
Executive: May 3, 2001
Effective: August 2, 2001
Sunset Date: None
Ch. 8, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Planning, Housing and Economic Development Committee

AN ACT to:

- (1) revise the requirements for building moderately priced dwelling units in certain zones; and
- (2) generally amend the requirements for building moderately priced dwelling units

By amending

Montgomery County Code
Chapter 25A, Housing, Moderately Priced
Section 25A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 25A-5 is amended as follows:

25A-5. Requirement to build MPDU's; agreements; alternatives.

* * *

(b) When the development at one location is in a residential zone in which a density bonus is provided, and

(1) is covered by a plan of subdivision, or

(2) is covered by a plan of development or a site plan, or

(3) requires a building permit to be issued for construction, the required number of moderately priced dwelling units is a variable percentage that is not less than 12.5 percent of the total number of dwelling units at that location. [Except as specified in subsections (c) and (d), the] The required number of MPDUs must vary according to the amount by which the approved development exceeds the normal or standard density for the zone in which it is located. Chapter 59 permits bonus densities over the presumed base density where MPDUs are provided. If the use of the optional MPDU development standards does not result in an increase over the base density, the Director must conclude that the base density could not be achieved under conventional development standards, in which case the required number of MPDUs must not be less than 12.5 percent of the total number of units in the subdivision. The amount of density bonus achieved in the approved development determines the percentage of total units that must be MPDUs, as follows:

* * *

[(c) In planned development zones, mixed use zones, transit station zones, and central business district zones (standard method of development)

containing flexible development standards, the number of MPDUs must not be less than either the number of density bonus units or 12.5 percent of the total number of dwelling units, whichever is greater.] Reserved

[(d) In central business district zones, for development under the optional method, at least 15 percent of the total number of dwelling units must be MPDUs.] Reserved

* * *

Approved:

/S/ 4/25/01

Blair G. Ewing, President, County Council Date

Approved:

/S/ 5/3/01

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

/S/ 5/5/01

Mary A. Edgar, CMC, Clerk of the Council Date